

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL GELSINGER,
Petitioner

v.

ERIC ARMEL, et al.,
Respondents

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No. 1:19-cv-01654

(Judge Kane)

ORDER

AND NOW, on this 2nd day of September 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. The Clerk of Court is directed to amend the docket to substitute Superintendent Eric Armel for Respondent Mark Capozza;
2. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is **GRANTED** with respect to Grounds One and Ten;
3. Petitioner's convictions and sentences for attempted homicide and first-degree murder, imposed by the Court of Common Pleas of Dauphin County, Pennsylvania, No. CP-22-CR-926-2014, are **VACATED**;
4. The Commonwealth is directed to retry Petitioner on the attempted homicide and first-degree murder charges within ninety (90) days. In the event of an appeal by either party, the time period for retrial is stayed for a period of thirty (30) days after final disposition of the appeal; and
5. The Clerk of Court is directed to **CLOSE** the above-captioned case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania